

SENATE BILL 207

M4
SB 417/11 – EHE

2lr1371
CF HB 167

By: Senators Pinsky, Frosh, Madaleno, Raskin, Rosapepe, and Stone

Introduced and read first time: January 20, 2012

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 29, 2012

Returned to second reading: March 30, 2012

Senate action: Adopted with floor amendments

Read second time: March 30, 2012

CHAPTER _____

1 AN ACT concerning

2 **Agriculture – Commercial Feed – Arsenic Prohibition**

3 FOR the purpose of prohibiting a person from using, selling, or distributing certain
4 commercial feed that contains roxarsone or any other additive that contains
5 arsenic; authorizing a person to use, sell, or distribute certain commercial feed
6 that contains histostat; providing for the termination of this Act under certain
7 circumstances; requiring the State Department of Agriculture to provide a
8 certain notification; providing for a delayed effective date; and generally
9 relating to the contents of commercial feed.

10 BY adding to

11 Article – Agriculture

12 Section 6–107.3

13 Annotated Code of Maryland

14 (2007 Replacement Volume and 2011 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Agriculture**

18 **6–107.3.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (A) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A
 2 PERSON MAY NOT USE, SELL, OR DISTRIBUTE FOR USE OR SALE WITHIN THE
 3 STATE ANY COMMERCIAL FEED INTENDED FOR USE AS POULTRY FEED THAT
 4 CONTAINS:

5 (1) ROXARSONE; OR

6 (2) ANY OTHER ADDITIVE THAT CONTAINS ARSENIC.

7 (B) A PERSON MAY USE, SELL, OR DISTRIBUTE FOR USE OR SALE
 8 WITHIN THE STATE ANY COMMERCIAL FEED INTENDED FOR USE AS POULTRY
 9 FEED THAT CONTAINS HISTOSTAT.

10 SECTION 2. AND BE IT FURTHER ENACTED, That:

11 (a) This Act shall be abrogated and of no further force and effect with respect
 12 to the specific arsenical additive receiving approval by the U.S. Food and Drug
 13 Administration if the U.S. Food and Drug Administration, on review of new
 14 information under 21 C.F.R. Part 514, issues a finding that:

15 (1) approves the use of the arsenical additive; and

16 (2) includes in its approval an evaluation of:

17 (i) human food safety;

18 (ii) impact on the environment;

19 (iii) safety to animals;

20 (iv) effectiveness of the drug for its intended use; and

21 (v) chemistry and manufacturing procedures; and

22 ~~(vi) water quality impacts to the Chesapeake Bay; and~~

23 ~~(3) exposure to the arsenical additive is unavoidable and necessary.~~

24 (b) The State Department of Agriculture shall notify the Department of
 25 Legislative Services within 5 days after the action under subsection (a) of this section
 26 occurs.

27 SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take
 28 effect ~~October 1, 2012~~ January 1, 2013.